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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/11/2000

Jonathan M. Rothberg

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30623

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11/06/2002

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BOSTON, MA 02111

EXAMINER

SHEINBERG, MONIKA B

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 11/06/2002

24

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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**Commissioner of Patents and Trademarks**

**Notice of Non-Responsive Amendment**

The amendment filed on 08 October 2002 canceling all claims drawn to the elected invention and presenting new claims 58-90, drawn to a non-elected invention is non-responsive (MPEP § 821.03). The new claims are not readable on the elected invention because the method steps of the new claims are different and distinct from the originally elected claims. Newly submitted claims 58-90 are directed to an invention that is independent or distinct from the invention originally claimed for the following different and distinct steps of methodology: digestion and partitioning of one or more populations of nucleic acid molecules prior to library construction of each portioned population [see steps (b)-(d)], followed by the pooling of select specific fragments from the library, further partitioning, and mapping [see steps (e), (f) and (g)]; while the cancelled original claim 27 separates, isolates and constructs a library of a one set of nucleic acid molecules [see steps (b)-(d)]; followed by the recovery of non-specific nucleic acids, separation of a subset and isolation [see steps (e), (f) and (g)]. Therefore the method steps of the new claims have a different and distinct order of methodology than those of the cancelled original claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 58-90 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

**Inquiries**

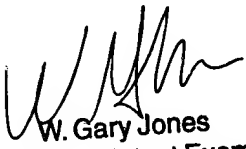
Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The CM1 Fax Center number is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monika B. Sheinberg, whose telephone number is (703) 306-0511. The examiner can normally be reached on Monday-Friday from 1 P.M. to 8 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (703) 308-1152.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Patent Analyst, Chantae Dessau, whose telephone number is (703) 605-1237, or to the Technical Center receptionist whose telephone number is (703) 308-0196.

October 30, 2002  
Monika B. Sheinberg  
AU 1634

*MBS*

  
W. Gary Jones  
Supervisory Patent Examiner  
Technology Center 1600